

of conception and diligence toward reduction to practice of the instant invention. An IDS containing three references deemed to be material to this case is herewith submitted.

IN THE CLAIMS

Claim 3 has been cancelled without prejudice or disclaimer. The claims of the application have been amended herein as indicated in the marked up copies of the claims.

1. (Twice Amended) A recombinant adenovirus vector which is [replication-restricted to] replication-competent in neoplastic cells and which overexpresses an adenovirus death protein.

2. (Twice Amended) The [recombinant] adenovirus vector of claim 1 wherein the adenovirus death protein comprises [amino acids 1-26, 41-59, and 63-70 of either SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7 or SEQ ID NO:8, or a conservatively substituted variant thereof; or wherein the adenovirus death protein comprises] SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, [or] SEQ ID NO:8, SEQ ID NO:9, SEQ ID NO:10, SEQ ID NO:11 or SEQ ID NO:12.

4. (Amended) The recombinant adenovirus vector of claim 2 [3], wherein the recombinant [virus] adenovirus [is an adenovirus lacking] lacks expression of at least one E3 protein selected from the group consisting of: gp19K; RID $\alpha$ ; RID $\beta$  and 14.7K.

5. (Twice Amended) The recombinant adenovirus vector of claim 4, wherein the recombinant [virus] adenovirus comprises SEQ ID NO:1 [3] or SEQ ID NO:2 [4].

10. (Twice Amended) A method for promoting death of a neoplastic cell comprising contacting the neoplastic cell with [at least one] an adenovirus vector, wherein  
(a) at least one adenoviral vector is introduced into the neoplastic cell, and  
(b) said adenovirus vector is [replication-restricted to] replication-competent in neoplastic cells and overexpresses an adenovirus death protein.

11. (Amended) The method of claim 10 wherein the adenovirus death protein comprises [amino acids 1-26, 41-59, and 63-70 of either SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7 or SEQ ID NO:8, or a conservatively substituted variant thereof; or wherein the adenovirus death protein comprises] SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, [or] SEQ ID NO:8, SEQ ID NO:9, SEQ ID NO:10, SEQ ID NO:11 or SEQ ID NO:12.

12. (Amended) The method of claim 11, wherein the adenovirus vector comprises a recombinant adenovirus lacking expression of at least one E3 protein selected from the group consisting of: gp19K; RID $\alpha$ ; RID $\beta$  and 14.7K.

13. (Twice Amended) The method of claim 12, wherein the neoplastic cell is contained in a tumor in a patient and the contacting step comprises administering the adenovirus vector to neoplastic cells of the tumor[, wherein the vector comprises a recombinant adenovirus].

15. (Amended) The method of claim 14, wherein the recombinant adenovirus comprises SEQ ID NO:1 [3] or SEQ ID NO:2 [4].

24. (Amended) The method of claim 13, further comprising administering to the tumor one or more replication-defective [adenovirus which expresses] adenoviruses, wherein each replication-defective adenovirus expresses an anti-cancer gene product; and wherein the recombinant adenovirus facilitates the spread of the replication-defective adenovirus in the tumor.

28. (New) A recombinant adenovirus vector, wherein said adenovirus vector (a) is replication-restricted to dividing cells, (b) contains a mutation in the E1A gene, and (c) overexpresses an adenovirus death protein.

#### **Remarks**

New claim 28 has been added. Claim 28 is described in the specification at page 11, line 34 - page 12, line 8, and therefore does not contain new matter.

#### *Claim objections*

Claim 24 is objected to as being grammatically incorrect. Claim 24 has been amended according to the recommendation put forth by the Examiner in the detailed action of paper number 16.

#### *Claim rejections under 35 U.S.C. Section 112, second paragraph*

Claims 1-5, 10-15, 20-22 and 24 are rejected as being indefinite. Claims 2 and 11 are rejected in the recitation of the phrase "or conservatively substituted variant thereof", which the Examiner contends is unclear regarding which claim element the phrase is directed. Claims 2 and 11 have been amended to be drawn to specific sequence identifiers and no longer recite the phrase "or conservatively